

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-5, 8, 13, 14, 19, 21, and 22 which were pending in the application, the Examiner rejected all but claim 22. Applicants appreciate the positive indication that claim 22 would be allowable if rewritten in independent claim format. In addition, claims 1, 14, and 22 have been amended, without adding new matter. Finally, Applicants note that the Examiner failed to indicate that claims 6, 7, 9-12, 15-18, 20, 23-25 are withdrawn.

1. Rejection of Claims 1-5, 8, 13, 14, 19, and 21

The Examiner rejected claims 1-5, 8, 13, 14, 19, and 21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,125,892 ("Drudik"). For the following reasons, Applicants respectfully traverse this rejection.

In making the rejection, the Examiner asserts that stopper 14 is analogous to the recited first and second members. Further, in the "Response to Arguments" section of the Office Action, the Examiner states that "a dose is clearly shown being contained by first and second members just below 14/36" (*i.e.*, the stopper 14 and blow plug 36). Accordingly, Applicants assume that the Examiner analogizes the stopper 14 and the plug 36 (which are coupled together in Figure 1) to the claimed first and second members. Further, as the couple stopper 14 and plug 36 block the dose containing compartment 28, Applicants also assume that the Examiner analogizes the compartment 28 to the recited pocket, even though the compartment 28 is not within the stopper 14/plug 36. To eliminate this confusion without narrowing the scope of the instant claims, Applicants have amended claims 1 and 14 to recite (with underline emphasis added): "a closed pocket within the members for containing the dose."

Clearly, as the Examiner admits, the dose in Drudik is contained within a compartment 28 which is not within the stopper 14/plug 36. By way of contrast, as amended, claims 1 and 14 make clear that the pocket is "within the members." Accordingly, as Drudik fails to teach at least this limitation of claims 1 and 14, the claims are not anticipated by Drudik. Moreover, as claims 2-5, 8, and 13 depend from claim 1 and as claims 19 and 21 depend from claim 14, for at least this reasons each of these dependent claims is also patentable over Drudik. Therefore, Applicants respectfully request a withdrawal of the rejection of claims 1-5, 8, 13, 14, 19, and 21 under 35 U.S.C. § 102(b).

2. Indication of Allowable Subject Matter in Claim 22

The Examiner objected to claim 22 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims." In response to this positive indication, Applicants have amended claim 22 to be in independent claim form and, therefore, the claim is in condition for allowance.

3. Withdrawn Claims

As withdrawn claims 6, 7, and 9-12 depend from patentable claim 1 and as withdrawn claims 15-18, 20, and 23-25 depend from patentable claim 14, each of these dependent withdrawn claims is also patentable. Accordingly, when issuing a Notice of Allowance, the Examiner is requested, under 37 C.F.R. § 1.141 and M.P.E.P. § 809.04, to reenter and allow claims 6, 7, 9-12, 15-18, 20, and 23-25.

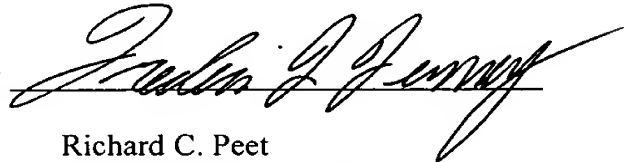
CONCLUSION

For the aforementioned reasons, 1-25 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.